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United States Bankruptcy Court
Northern District of Texas
Fort Worth Division

In re: Jason Taylor Martin,

Debtor

Daltex Electric, LLC,

Plaintiff,

vs.

Jason Taylor Martin,

Defendant.

Case No. 22-42492-elm7

Chapter 7

Adversary No. 23-04002-elm

**UNOPPOSED MOTION TO CONTINUE TRIAL SETTING AND TO RESET
DOCKET CALL OF SEPTEMBER 9, 2024**

TO THE HONORABLE EDWARD L. MORRIS, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Plaintiff Daltex Electric, LLC, and moves the Court to reset the Trial docket call for **September 9, 2024, at 1:30 p.m.** and to reset deadlines in this adversary proceeding accordingly, and would show as follows:

1. Docket call for this adversary proceeding is currently set for **September 9, 2024**.
2. The Plaintiff requests that the docket call be reset for **January 6, 2025, at 1:30 p.m.** in this case and that all deadlines set out in Part II nos. 1 through 8 of the Amended Order on Trial Setting and Scheduling Order [Adv. Dkt. #14] be shifted to the newly scheduled Docket Call date.

3. As the basis for the request, Plaintiff's counsel mother recently passed away and that has affected trial preparation.

4. Counsel for Plaintiff conferred with Clayton Everett, counsel for Jason Martin, who advised that there is no opposition to the continuance of the September 9, 2024 docket call.

5. The Court has discretion to grant a motion for continuance as part of its inherent power to control its own docket to ensure that cases proceed before it in a timely and orderly manner. *U.S. v. Waldman*, 579 F.2d 649, 653 (1st Cir. 1987).

6. The request for a continuance is not merely for delay, but so that justice may be done.

7. This request will not prejudice the Defendant because the delay request is not unreasonable, as Defendant has not been available for his necessary deposition, and any continuance would allow time for the parties to complete any discovery as well.

WHEREFORE, the Daltex Electric, LLC asks this Court to continue this trial docket call and shift all deadlines to the newly-scheduled docket call date of January 6, 2025.

DATED: September 10, 2024.

Respectfully submitted,

**WADDELL SERAFINO GEARY
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By: /s/ Scott Hayes

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

On September 9, 2024, I conferred with Defendant's counsel regarding the relief requested in this motion. Defendant's counsel stated that he is unopposed to relief in this Motion.

/s/ Scott Hayes

Scott Hayes

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on the following on this 10th day of September 2024 by e-service:

Clayton L. Everett
clayton@norredlaw.com

/s/ Scott Hayes

Scott Hayes